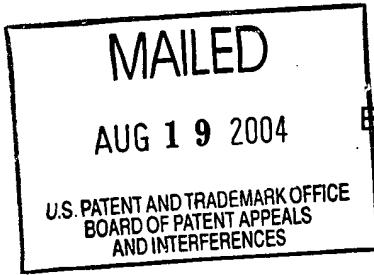


The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 13

UNITED STATES PATENT AND TRADEMARK OFFICE



BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

*Ex parte* MICHAEL ANTHONY MARRA  
and  
BRUCE LANIER WALCOTT

Appeal No. 2004-0871  
Application No. 09/226,971

ON BRIEF

Before HARKCOM, *Acting Chief Administrative Patent Judge*, WILLIAM F. SMITH and NASE, *Administrative Patent Judges*.

*Per Curiam.*

**REMAND TO THE EXAMINER**

The Office of the Group Director of Technology Center 2100 has requested that this application be remanded to the jurisdiction of the patent examiner so that the issues raised in this appeal can be reconsidered. Accordingly, we *remand*.

If reconsideration by the examiner does not promptly result in the withdrawal of all pending rejections, the examiner must return this application to the jurisdiction of the Board so that the appeal may be restored.

**REMANDED**

~~GARY V. HARKCOM, Acting Chief  
Administrative Patent Judge~~

**WILLIAM F. SMITH**  
Administrative Patent Judge

**JEFFREY V. NASE**  
**Administrative Patent Judge**

)  
)  
)  
)  
)  
)  
**BOARD OF PATENT  
APPEALS AND  
INTERFERENCES**  
)  
)  
)  
)  
)

cim

Appeal No. 2004-0871  
Application No. 09/226,971

John J. McArdle Jr.  
Lexmark International Inc.  
Intellectual Property Law Dept.  
740 New Circle Road N.W.  
Lexington, KY 40550